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16  
17 **UNITED STATES DISTRICT COURT**  
NORTHERN DISTRICT OF CALIFORNIA

18 RICHARD KADREY, et al.,  
19 Individual and Representative Plaintiffs,  
20 v.  
21 META PLATFORMS, INC., a Delaware  
corporation;  
22  
23 Defendant.

Case No. 3:23-cv-03417-VC

**KATHLEEN R. HARTNETT DECLARATION  
IN SUPPORT OF DEFENDANT META  
PLATFORMS, INC.'S OPPOSITION TO  
PLAINTIFFS' MOTION TO FILE A REPLY  
(ECF 148) IN SUPPORT OF MOTION TO  
MODIFY CASE DEADLINES (ECF 129)**

Discovery Cut-Off: September 30, 2024  
Date Action Filed: July 7, 2023

1 I, Kathleen R. Hartnett, declare as follows:

2 1. I am a Partner at the law firm of Cooley LLP and am counsel for Defendant Meta  
 3 Platforms, Inc. (“Meta”) in the above-captioned case. I provide this declaration upon personal  
 4 knowledge and, if called upon as a witness, would testify competently as to the matters recited  
 5 herein.

6 2. Plaintiffs filed their Administrative Motion for Leave to File a Reply to Meta’s  
 7 Opposition to ECF 129 (“Administrative Motion”) late in the evening on Friday, September 13,  
 8 2024, without alerting myself or any other counsel for Meta or seeking to meet and confer.

9 3. After repeatedly refusing to identify the remaining witnesses they intended to  
 10 depose within the 10-deposition limit, Plaintiffs, for the first time, provided a list of their remaining  
 11 eight proposed witnesses after 10 p.m. on Thursday, September 12, 2024. This list included Mark  
 12 Zuckerberg. I responded to Plaintiffs on September 13, 2024 and requested, for at least the fourth  
 13 time, that Plaintiffs serve their Rule 30(b)(6) notice on Meta. Attached as **Exhibit A** is a true and  
 14 correct copy of the email chain between myself, Holden Benon, and counsel for both parties, dated  
 15 September 12 and September 13, 2024.

16 4. On September 6, 2024, I, on behalf of Meta, voluntarily informed Plaintiffs whether  
 17 their 28 potential Meta deponents were current or former employees. Plaintiffs had requested the  
 18 information a day earlier on September 5. I also told Plaintiffs on September 10 that Meta does not  
 19 currently represent any former employees with one identified exception.

20 5. Meta substantially completed its document production on July 15. Plaintiffs did not  
 21 raise any issue concerning Meta’s confidentiality designations pursuant to the Stipulated Protective  
 22 Order entered in this case (ECF 90) with Meta or with Magistrate Judge Hixson until they filed  
 23 their Administrative Motion.

24 6. On August 22, 2024, Plaintiffs wrote to Meta raising several claimed issues with  
 25 Meta’s document production including, among other things, illegible documents, missing  
 26 hyperlinks, and allegedly improper redactions. My colleague, Judd Lauter, responded to these  
 27 concerns in a letter dated September 4, 2024.

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7. On September 6, 2024, Plaintiffs wrote to Meta raising claimed issues regarding Meta's privilege log and inconsistent privilege redactions. My colleague, Elizabeth Stameshkin, responded to Plaintiffs on September 10 and again on September 13 to address the specific concerns Plaintiffs raised. Ms. Stameshkin also informed Plaintiffs on September 13 that Meta would review the redactions applied to Meta's document production, not limited to the specific examples identified by Plaintiffs, as a demonstration of good faith.

8. Meta identified its 10 ESI custodians by May 10, 2024, pursuant to the parties' ESI Order (ECF 101), and served Amended Initial Disclosures identifying additional personnel believed to have relevant documents and information on May 29, 2024. As noted above, Meta also substantially completed its document production on July 15, 2024. On August 23, 2024, Plaintiffs requested that Meta designate 8 additional custodians. Plaintiffs had not previously requested additional custodians or raised any concerns regarding Meta's designation of custodians. Meta is continuing to meet and confer with Plaintiffs regarding this issue.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on September 15, 2024, in Oakland, California.

/s/ Kathleen R. Hartnett  
Kathleen R. Hartnett